


Serial Number 	Application No. 09/769,901	Applicant(s) Stefanovic, John	

TERMINAL DISCLAIMER		<input checked="" type="checkbox"/> APPROVED		<input type="checkbox"/> DISAPPROVED	
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:	6,417,650				
The term of this patent subsequent to the adjacent date has been disclaimed.					
INTERNAL DOCUMENT – DO NOT MAIL				Document Code - DISQ	

U.S. Patent and Trademark Office

AUG 19 2003

PATENT
ATTORNEY DOCKET NO. 0059/058002 - 199-1309(2)

Art Unit: 2834
Examiner: Gonzalez, J.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

REJECTION OVER A PRIOR PATENT

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT
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statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The \$110.00 fee for terminal disclaimer fee under 37 CFR 1.20(d) is included with this paper as indicated on the attached Transmittal Letter.

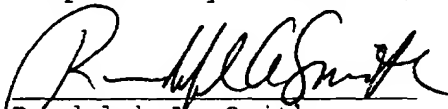
Please telephone the undersigned if there are any questions regarding this application. The undersigned is the attorney of record.

RENEE PRESTON 
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800

Date: February 20, 2003

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Stefanovic022003

Respectfully submitted,


Randolph A. Smith
Reg. No. 32,548

DATE: 20-Aug-03
TO: EXAMINER Gonzalez, Julio
FROM: Preston, Renee
PARALEGAL SPECIALIST

APPL. S.N.: 09/769,901
ART UNIT: 2834

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 20-Feb-03

✓ The T.D. is PROPER and has been recorded (see ¶14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

The TD fee of _____ has not been submitted nor is there any authorization in the application file for the use of a deposit account (see § 14.26.07).

☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see §§ 14.26 & 14.26.01).

The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).

7. The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see §§ 14.26 & 14.26.02).

☐ The person who signed the T.D.:

☐ is not an attorney "of record" (see ¶¶ 14.29 and 14.29.01).

☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).

☐ is not recognized as an officer of the assignee (see ¶ 14.29 & possible 14.29.02).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).

[] The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).

The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see §§ 14.26, 14.27.02 or 14.26.05).

☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).

Other:

☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials:

Date: 08/22/03

Log Date: